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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,236	08/22/2001	Rakesh Taori	NL 000461	8675

24737 7590 12/17/2004

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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BRIARCLIFF MANOR, NY 10510

EXAMINER

AZAD, ABUL K

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/935,236

Applicant(s)

TAORI, RAKESH

Examiner

ABUL K. AZAD

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2001.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-8 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 22 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/15/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-8 are pending in this Office Action.

Specification

2. The abstract of the disclosure is objected to because abstract contains language "means" and "said". Correction is required. See MPEP § 608.01(b).
3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The discloser is objected to because, the specification does not contain the Section heading as provided by 37 CFR 1.77 (b).

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

Art Unit: 2654

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Valenzuela et al. (A New Voice-Packet Reconstruction Technique).

Art Unit: 2654

As per claim 1, Valenzuela teaches, "an audio transmission system comprising":
"a decoder for converting a frame organized input bitstream into an audio output representation" (Page 1334, section 2. Review of Pitch Detection Based Reconstruction); and

"a bad frame processing means arranged for detecting bad frames in the bitstream" (Page 1334, section 2. Review of Pitch Detection Based Reconstruction);

"characterized in that the audio transmission system further comprises a pitch period estimator coupled to said audio output for estimating the pitch period of the audio representation" (Page 1334, section 2. Review of Pitch Detection Based Reconstruction); and

"that the pitch period estimator is further coupled to the bad frame processing means for replacing the audio output during a detected bad frame by a repeat part, which is synchronous to the estimated pitch period" (Page 1334, section 2. Review of Pitch Detection Based Reconstruction).

As per claim 2, Valenzuela teaches, "characterized in that the bad frame processing means comprise bitstream buffer means containing a representation of the previous input bitstream" (Page 1335, 1st Paragraph).

As per claim 3, Valenzuela teaches, "characterized in that the bitstream buffer means comprise indexing means providing a buffer read index, whose value is related to the estimated pitch period for selecting the repeat part from the representation which is stored in the bitstream buffer means" (Page 1335, 1st Paragraph).

Art Unit: 2654

As per claim 7, Valenzuela teaches, "a communication device, such as a telephone device, a speech device, a voice device or the like" (Page 1334, 1.Introduction).

As per claim 8, it is interpreted and thus rejected for the same reasons set forth in the rejection of claim 1.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valenzuela et al. (A New Voice-Packet Reconstruction Technique) as applied to claim 1 above, and further in view of Yung (US 6,578,162).

As per claim 4, Valenzuela teaches, PCM encoder and decoder (Page 1335, 2nd paragraph, but does not explicitly teach, "in particular a Differential PCM decoder and/or an Adaptive DPCM decoder". However, Yung teaches, an Adaptive DPCM decoder (Fig. 12, element 145). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use an Adaptive DPCM decoder so that the scale factor is subtracted from the \log_2 from of the difference signal and thus is best characterized speech signal as being in the \log_2 domain (col. 5, lines 1-3).

Art Unit: 2654

As per claim 5, Valenzuela teaches, "in that the bad frame processing means comprises a bad frame detector" (Page 1334, section 2. Review of Pitch Detection Based Reconstruction, bad frame detector is inherent here).

As per claim 5, Valenzuela does not explicitly teach, "the bad frame detector is arranged to perform a Cyclic Redundancy Check (CRC)". However, Yung teaches, "the bad frame detector is arranged to perform a Cyclic Redundancy Check (CRC)" (col. 14, lines 20-34). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use CRC bad frame detector because one of ordinary skill in the art would readily recognize that provide a perfect detection of bad frame for a speech code word.

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abul K. Azad** whose telephone number is **(703) 305-3838**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richemond Dorvil**, can be reached at **(703) 305-9645**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Art Unit: 2654

Or faxed to:

(703) 872-9314

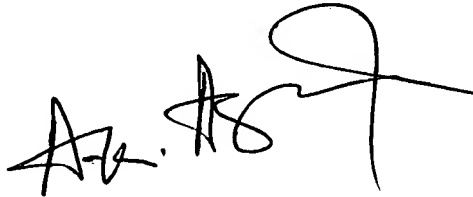
(For informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to 2121 Crystal Drive, Arlington,
VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should
be directed to the Technology Center's Customer Service Office at telephone number

(703) 306-0377.

Abul K. Azad

A handwritten signature in black ink, appearing to read 'Abul K. Azad', with a large, stylized flourish extending from the end of the signature.

December 10, 2004